

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BILL CEPERO #94730,

Plaintiff,

vs.

DOUGLAS GILLESPIE, *et al.*,

Defendants.

Case No. 2:11-cv-1401-LRH-CWH

ORDER

Civil Rights Complaint (#1)

This matter comes before the Court on Plaintiff's Civil Rights Complaint (#1), filed on August 31, 2011, and Plaintiff's Motion for Appointment of Counsel (#2), filed on August 30, 2011. Plaintiff James Robinson is proceeding in this action *pro se*. Plaintiff submitted a Complaint (#1) pursuant to 42 U.S.C. § 1983, but Plaintiff did not pay the required filing fee of \$350.00 or file an application to proceed *in Forma Pauperis* in compliance with 28 U.S.C. § 1915(a)(1) and (2) and Local Rules LSR 1-1 and 1-2.

Pursuant to 28 U.S.C. § 1914(a), a filing fee of \$350.00 is required to commence a civil action in federal district court. The Court may waive the filing fee where a prisoner-plaintiff complies with the strict application to proceed *in forma pauperis* filing requirements imposed by the Prison Litigation Reform Act. *See* 28 U.S.C. § 1915; *Page v. Torrey*, 201 F.3d 1136, 1139 (9th Cir. 2000). These include the requirements that the prisoner-plaintiff seeking to proceed *in forma pauperis* 1) submits a certified copy of his prisoner trust fund account statement for the previous six months, 2) pays the full amount of the filing fee, and 3) that a prisoner seeking to file an action regarding prison conditions first exhausts available administrative remedies, *see* 28 U.S.C. § 1915(a)-(b); *Page*, 201 F.3d at 1139. Because Plaintiff has not filed the appropriate *in forma pauperis* application or, alternatively, paid the appropriate filing fee, the request for appointment of

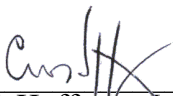
1 counsel is premature and will be denied without prejudice.

2 Based on the foregoing and good cause appearing therefore,

3 **IT IS HEREBY ORDERED** that Plaintiff shall file an Application to Proceed *in Forma*
4 *Pauperis*, accompanied by a signed financial certificate and certified copy of his prisoner trust fund
5 account for the previous six months. The Clerk of the Court shall send Plaintiff a blank application
6 form for *pro se* litigants who are incarcerated. In the alternative, Plaintiff shall make the necessary
7 arrangements to pay the filing fee of three hundred fifty dollars (\$350.00), accompanied by a copy
8 of this Order. Plaintiff shall have **thirty (30) days** from the date on which this Order is entered to
9 comply. Failure to comply will result in a recommendation to the District Judge for dismissal of
10 this action.

11 **IT IS FURTHER ORDERED** that Plaintiff's Motion for Appointment of Counsel (#2) is
12 **denied** without prejudice.

13 DATED this 31st day of October, 2011.

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16 C.W. Hoffman, Jr.
17 United States Magistrate Judge
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